

AMENDED IN ASSEMBLY AUGUST 22, 2014

AMENDED IN ASSEMBLY JULY 2, 2014

AMENDED IN ASSEMBLY JUNE 17, 2014

AMENDED IN SENATE MAY 7, 2014

AMENDED IN SENATE APRIL 24, 2014

AMENDED IN SENATE MARCH 26, 2014

SENATE BILL

No. 1263

Introduced by Senator Pavley

February 21, 2014

An act to amend Sections 47605 and 47605.1 of the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 1263, as amended, Pavley. Charter schools: location.

Existing law authorizes a charter school that is unable to locate within the jurisdiction or geographic boundaries of the chartering school district to establish one site outside the boundaries of the school district, but within the county in which that school district is located, if the school district where the charter school proposes to operate is notified in advance of the charter petition approval, the county superintendent of schools is notified of the location of the charter school before it commences operations and either the charter school has attempted to locate a single site or facility to house the entire program, but such a site or facility is unavailable in the area in which the school chooses to locate or the site is needed for temporary use during a construction or expansion project.

This bill would delete the authority of a charter school to locate outside the jurisdiction or geographic boundaries of the chartering school district because the charter school has attempted to locate a single site or facility to house the entire program, but a site or facility is unavailable in the area in which the charter school chooses to locate. The bill would authorize a charter school to establish one facility outside the boundaries of the school district, as described above, if either (1) the school district within the jurisdiction of which the charter school proposes to operate provides written approval to the chartering school district before the charter petition is approved for that facility and before each charter petition renewal, or (2) the facility is needed for temporary use during the period of construction for a construction or expansion project, for up to 18 months, unless the school district in which the charter school intends to operate approves of a longer period of time. The bill would require a charter school locating outside the boundaries of the chartering school district for temporary use to provide the parents of pupils enrolled at the charter school with specified information at least 60 days before the beginning of the school year. The bill would *also* authorize a charter school to ~~continue to~~ operate a facility outside the boundaries of the chartering school district if ~~either~~ (1) the charter school petition was authorized before April 1, 2013, to locate at that facility and the charter school operated that facility with pupils enrolled and attending before September 15, 2014, ~~or~~ (2) the school district within the jurisdiction of which the charter school operates provides written approval to the chartering school ~~district~~, *district*, (3) *the charter school is an American Indian charter school, as defined, or (4) the charter school meets the eligibility criteria for the Alternative Schools Accountability Model adopted by the State Board of Education.* The bill would prohibit a school district that is assigned a negative certification, as specified, from authorizing new charter schools to locate outside the boundaries of the school district. The bill would also make nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. It is the intent of the Legislature to close the
- 2 statutory loopholes authorizing a charter school to locate outside
- 3 the geographic boundaries of the chartering school district.

1 SEC. 2. Section 47605 of the Education Code is amended to
2 read:

3 47605. (a) (1) Except as set forth in paragraph (2), a petition
4 for the establishment of a charter school within a school district
5 may be circulated by one or more persons seeking to establish the
6 charter school. A petition for the establishment of a charter school
7 shall identify a single charter school that will operate within the
8 geographic boundaries of that school district. A charter school
9 may propose to operate at multiple sites within the school district,
10 as long as each location is identified in the charter school petition.
11 The petition may be submitted to the governing board of the school
12 district for review after either of the following conditions is met:

13 (A) The petition is signed by a number of parents or legal
14 guardians of pupils that is equivalent to at least one-half of the
15 number of pupils that the charter school estimates will enroll in
16 the school for its first year of operation.

17 (B) The petition is signed by a number of teachers that is
18 equivalent to at least one-half of the number of teachers that the
19 charter school estimates will be employed at the school during its
20 first year of operation.

21 (2) A petition that proposes to convert an existing public school
22 to a charter school that would not be eligible for a loan pursuant
23 to subdivision (c) of Section 41365 may be circulated by one or
24 more persons seeking to establish the charter school. The petition
25 may be submitted to the governing board of the school district for
26 review after the petition is signed by not less than 50 percent of
27 the permanent status teachers currently employed at the public
28 school to be converted.

29 (3) A petition shall include a prominent statement that a
30 signature on the petition means that the parent or legal guardian
31 is meaningfully interested in having his or her child or ward attend
32 the charter school, or in the case of a teacher's signature, means
33 that the teacher is meaningfully interested in teaching at the charter
34 school. The proposed charter shall be attached to the petition.

35 (4) After receiving approval of its petition, a charter school that
36 proposes to establish operations at one or more additional sites
37 shall request a material revision to its charter and shall notify the
38 authority that granted its charter of those additional locations. The
39 authority that granted its charter shall consider whether to approve
40 those additional locations at an open, public meeting. If the

1 additional locations are approved, they shall be a material revision
2 to the charter school's charter.

3 (5) (A) A charter school that is unable to locate within the
4 jurisdiction of the chartering school district may establish one
5 facility outside the boundaries of the school district, but within the
6 county in which that school district is located, if either of the
7 following circumstances exists:

8 (i) The school district within the jurisdiction of which the charter
9 school proposes to operate provides written approval to the
10 chartering school district before the charter petition is approved
11 for that facility and before each charter petition renewal.

12 (ii) The facility is needed for temporary use during the period
13 of construction for a construction or expansion project, for up to
14 18 months, unless the school district in which the charter school
15 proposes to operate approves of a longer period of time. The charter
16 school shall provide written notice before the charter petition is
17 approved to the school district within the jurisdiction of which the
18 charter school proposes to temporarily operate, the county
19 superintendent of schools, and the Superintendent.

20 (B) A charter school that locates outside the boundaries of the
21 chartering school district pursuant to clause (ii) of subparagraph
22 (A) shall notify all parents of the pupils enrolled at the charter
23 school at least 60 days before the beginning of the school year of
24 all of the following information:

25 (i) The name of the chartering school district.

26 (ii) The physical address of the temporary site at which the
27 charter school will locate.

28 (iii) The reason for the temporary site.

29 (iv) The physical address of the site the charter school intends
30 to locate within the chartering school district after the temporary
31 site.

32 (v) The contact information, including, but not limited to, the
33 name, ~~phone~~ telephone number, and email address, of a person
34 employed by the governing body of the charter school who may
35 be contacted for questions or additional information.

36 (C) (i) ~~A~~ *Notwithstanding subparagraph (A), a charter school*
37 ~~may continue to~~ operate a facility outside the boundaries of the
38 chartering school district if both of the following apply:

39 (I) The charter school was authorized before April 1, 2013, to
40 locate at that facility.

1 (II) The charter school operated that facility with pupils enrolled
2 and attending before September 15, 2014.

3 (ii) ~~A~~ *Notwithstanding subparagraph (A), a charter school that*
4 *does not meet the requirements of clause (i) may* ~~continue to~~
5 *operate the facility outside the boundaries of the chartering school*
6 *district if the school district within the jurisdiction of which the*
7 *charter school operates provides written approval to the chartering*
8 *school district.*

9 *(D) Notwithstanding subparagraph (A), a charter school may*
10 *operate a facility outside the boundaries of the chartering school*
11 *district if either of the following apply:*

12 *(i) The charter school is an American Indian charter school.*
13 *For purposes of this clause, “American Indian charter school”*
14 *means a charter school in which pupils identified as American*
15 *Indian or Alaska Native comprise more than 50 percent of the*
16 *charter school’s enrollment.*

17 *(ii) The charter school meets the eligibility criteria for the*
18 *Alternative Schools Accountability Model adopted by the state*
19 *board.*

20 ~~(D)~~

21 *(E) Notwithstanding subparagraph (A), a school district that is*
22 *assigned a negative certification pursuant to paragraph (1) of*
23 *subdivision (a) of Section 42131 shall not authorize new charter*
24 *schools to locate outside the boundaries of the school district.*

25 (6) Commencing January 1, 2003, a petition to establish a charter
26 school shall not be approved to serve pupils in a grade level that
27 is not served by the school district of the governing board
28 considering the petition, unless the petition proposes to serve pupils
29 in all of the grade levels served by that school district.

30 (b) No later than 30 days after receiving a petition, in accordance
31 with subdivision (a), the governing board of the school district
32 shall hold a public hearing on the provisions of the charter, at
33 which time the governing board of the school district shall consider
34 the level of support for the petition by teachers employed by the
35 school district, other employees of the school district, and parents.
36 Following review of the petition and the public hearing, the
37 governing board of the school district shall either grant or deny
38 the charter within 60 days of receipt of the petition, provided,
39 however, that the date may be extended by an additional 30 days
40 if both parties agree to the extension. In reviewing petitions for

1 the establishment of charter schools pursuant to this section, the
2 chartering authority shall be guided by the intent of the Legislature
3 that charter schools are and should become an integral part of the
4 California educational system and that the establishment of charter
5 schools should be encouraged. The governing board of the school
6 district shall grant a charter for the operation of a school under this
7 part if it is satisfied that granting the charter is consistent with
8 sound educational practice. The governing board of the school
9 district shall not deny a petition for the establishment of a charter
10 school unless it makes written factual findings, specific to the
11 particular petition, setting forth specific facts to support one or
12 more of the following findings:

13 (1) The charter school presents an unsound educational program
14 for the pupils to be enrolled in the charter school.

15 (2) The petitioners are demonstrably unlikely to successfully
16 implement the program set forth in the petition.

17 (3) The petition does not contain the number of signatures
18 required by subdivision (a).

19 (4) The petition does not contain an affirmation of each of the
20 conditions described in subdivision (d).

21 (5) The petition does not contain reasonably comprehensive
22 descriptions of all of the following:

23 (A) (i) A description of the educational program of the charter
24 school, designed, among other things, to identify those whom the
25 charter school is attempting to educate, what it means to be an
26 “educated person” in the 21st century, and how learning best
27 occurs. The goals identified in that program shall include the
28 objective of enabling pupils to become self-motivated, competent,
29 and lifelong learners.

30 (ii) A description, for the charter school, of annual goals, for
31 all pupils and for each subgroup of pupils identified pursuant to
32 Section 52052, to be achieved in the state priorities, as described
33 in subdivision (d) of Section 52060, that apply for the grade levels
34 served, or the nature of the program operated, by the charter school,
35 and specific annual actions to achieve those goals. A charter
36 petition may identify additional school priorities, the goals for the
37 school priorities, and the specific annual actions to achieve those
38 goals.

39 (iii) If the proposed charter school will serve high school pupils,
40 a description of the manner in which the charter school will inform

1 parents about the transferability of courses to other public high
2 schools and the eligibility of courses to meet college entrance
3 requirements. Courses offered by the charter school that are
4 accredited by the Western Association of Schools and Colleges
5 may be considered transferable and courses approved by the
6 University of California or the California State University as
7 creditable under the “A” to “G” admissions criteria may be
8 considered to meet college entrance requirements.

9 (B) The measurable pupil outcomes identified for use by the
10 charter school. “Pupil outcomes,” for purposes of this part, means
11 the extent to which all pupils of the charter school demonstrate
12 that they have attained the skills, knowledge, and attitudes specified
13 as goals in the charter school’s educational program. Pupil
14 outcomes shall include outcomes that address increases in pupil
15 academic achievement both schoolwide and for all groups of pupils
16 served by the charter school, as that term is defined in subparagraph
17 (B) of paragraph (3) of subdivision (a) of Section 47607. The pupil
18 outcomes shall align with the state priorities, as described in
19 subdivision (d) of Section 52060, that apply for the grade levels
20 served, or the nature of the program operated, by the charter school.

21 (C) The method by which pupil progress in meeting those pupil
22 outcomes is to be measured. To the extent practicable, the method
23 for measuring pupil outcomes for state priorities shall be consistent
24 with the way information is reported on a school accountability
25 report card.

26 (D) The governance structure of the charter school, including,
27 but not limited to, the process to be followed by the charter school
28 to ensure parental involvement.

29 (E) The qualifications to be met by individuals to be employed
30 by the charter school.

31 (F) The procedures that the charter school will follow to ensure
32 the health and safety of pupils and staff. These procedures shall
33 include the requirement that each employee of the charter school
34 furnish it with a criminal record summary as described in Section
35 44237.

36 (G) The means by which the charter school will achieve a racial
37 and ethnic balance among its pupils that is reflective of the general
38 population residing within the territorial jurisdiction of the school
39 district to which the charter petition is submitted.

40 (H) Admission requirements, if applicable.

1 (I) The manner in which annual, independent financial audits
2 shall be conducted, which shall employ generally accepted
3 accounting principles, and the manner in which audit exceptions
4 and deficiencies shall be resolved to the satisfaction of the
5 chartering authority.

6 (J) The procedures by which pupils can be suspended or
7 expelled.

8 (K) The manner by which staff members of the charter schools
9 will be covered by the State Teachers' Retirement System, the
10 Public Employees' Retirement System, or federal social security.

11 (L) The public school attendance alternatives for pupils residing
12 within the school district who choose not to attend charter schools.

13 (M) A description of the rights of an employee of the school
14 district upon leaving the employment of the school district to work
15 in a charter school, and of any rights of return to the school district
16 after employment at a charter school.

17 (N) The procedures to be followed by the charter school and
18 the entity granting the charter to resolve disputes relating to
19 provisions of the charter.

20 (O) A declaration of whether or not the charter school shall be
21 deemed the exclusive public school employer of the employees of
22 the charter school for purposes of Chapter 10.7 (commencing with
23 Section 3540) of Division 4 of Title 1 of the Government Code.

24 (P) A description of the procedures to be used if the charter
25 school closes. The procedures shall ensure a final audit of the
26 charter school to determine the disposition of all assets and
27 liabilities of the charter school, including plans for disposing of
28 any net assets and for the maintenance and transfer of pupil records.

29 (c) (1) Charter schools shall meet all statewide standards and
30 conduct the pupil assessments required pursuant to Sections 60605
31 and 60851 and any other statewide standards authorized in statute
32 or pupil assessments applicable to pupils in noncharter public
33 schools.

34 (2) Charter schools shall, on a regular basis, consult with their
35 parents, legal guardians, and teachers regarding the charter school's
36 educational programs.

37 (d) (1) In addition to any other requirement imposed under this
38 part, a charter school shall be nonsectarian in its programs,
39 admission policies, employment practices, and all other operations,
40 shall not charge tuition, and shall not discriminate against a pupil

1 on the basis of the characteristics listed in Section 220. Except as
2 provided in paragraph (2), admission to a charter school shall not
3 be determined according to the place of residence of the pupil, or
4 of his or her parent or legal guardian, within this state, except that
5 an existing public school converting partially or entirely to a charter
6 school under this part shall adopt and maintain a policy giving
7 admission preference to pupils who reside within the former
8 attendance area of that public school.

9 (2) (A) A charter school shall admit all pupils who wish to
10 attend the school.

11 (B) If the number of pupils who wish to attend the charter school
12 exceeds the school's capacity, attendance, except for existing pupils
13 of the charter school, shall be determined by a public random
14 drawing. Preference shall be extended to pupils currently attending
15 the charter school and pupils who reside in the school district
16 except as provided for in Section 47614.5. Other preferences may
17 be permitted by the chartering authority on an individual school
18 basis and only if consistent with the law.

19 (C) In the event of a drawing, the chartering authority shall
20 make reasonable efforts to accommodate the growth of the charter
21 school and in no event shall take any action to impede the charter
22 school from expanding enrollment to meet pupil demand.

23 (3) If a pupil is expelled or leaves the charter school without
24 graduating or completing the school year for any reason, the charter
25 school shall notify the superintendent of the school district of the
26 pupil's last known address within 30 days, and shall, upon request,
27 provide that school district with a copy of the cumulative record
28 of the pupil, including a transcript of grades or report card, and
29 health information. This paragraph applies only to pupils subject
30 to compulsory full-time education pursuant to Section 48200.

31 (e) The governing board of a school district shall not require an
32 employee of the school district to be employed in a charter school.

33 (f) The governing board of a school district shall not require a
34 pupil enrolled in the school district to attend a charter school.

35 (g) The governing board of a school district shall require that
36 the petitioner or petitioners provide information regarding the
37 proposed operation and potential effects of the charter school,
38 including, but not limited to, the facilities to be used by the charter
39 school, the manner in which administrative services of the charter
40 school are to be provided, and potential civil liability effects, if

1 any, upon the charter school and upon the school district. The
2 description of the facilities to be used by the charter school shall
3 specify where the charter school intends to locate. The petitioner
4 or petitioners also shall be required to provide financial statements
5 that include a proposed first-year operational budget, including
6 startup costs, and cashflow and financial projections for the first
7 three years of operation.

8 (h) In reviewing petitions for the establishment of charter
9 schools within the school district, the governing board of the school
10 district shall give preference to petitions that demonstrate the
11 capability to provide comprehensive learning experiences to pupils
12 identified by the petitioner or petitioners as academically low
13 achieving pursuant to the standards established by the department
14 under Section 54032, as that section read before July 19, 2006.

15 (i) Upon the approval of the petition by the governing board of
16 the school district, the petitioner or petitioners shall provide written
17 notice of that approval, including a copy of the petition, to the
18 applicable county superintendent of schools, the department, and
19 the state board.

20 (j) (1) If the governing board of a school district denies a
21 petition, the petitioner may elect to submit the petition for the
22 establishment of a charter school to the county board of education.
23 The county board of education shall review the petition pursuant
24 to subdivision (b). If the petitioner elects to submit a petition for
25 establishment of a charter school to the county board of education
26 and the county board of education denies the petition, the petitioner
27 may file a petition for establishment of a charter school with the
28 state board, and the state board may approve the petition, in
29 accordance with subdivision (b). A charter school that receives
30 approval of its petition from a county board of education or from
31 the state board on appeal shall be subject to the same requirements
32 concerning geographic location to which it would otherwise be
33 subject if it received approval from the entity to which it originally
34 submitted its petition. A charter petition that is submitted to either
35 a county board of education or to the state board shall meet all
36 otherwise applicable petition requirements, including the
37 identification of the proposed site or sites where the charter school
38 will operate.

39 (2) In assuming its role as a chartering agency, the state board
40 shall develop criteria to be used for the review and approval of

1 charter school petitions presented to the state board. The criteria
2 shall address all elements required for charter approval, as
3 identified in subdivision (b), and shall define “reasonably
4 comprehensive” as used in paragraph (5) of subdivision (b) in a
5 way that is consistent with the intent of this part. Upon satisfactory
6 completion of the criteria, the state board shall adopt the criteria
7 on or before June 30, 2001.

8 (3) A charter school for which a charter is granted by either the
9 county board of education or the state board based on an appeal
10 pursuant to this subdivision shall qualify fully as a charter school
11 for all funding and other purposes of this part.

12 (4) If either the county board of education or the state board
13 fails to act on a petition within 120 days of receipt, the decision
14 of the governing board of the school district to deny a petition shall
15 be subject to judicial review.

16 (5) The state board shall adopt regulations implementing this
17 subdivision.

18 (6) Upon the approval of the petition by the county board of
19 education, the petitioner or petitioners shall provide written notice
20 of that approval, including a copy of the petition to the department
21 and the state board.

22 (k) (1) The state board may, by mutual agreement, designate
23 its supervisory and oversight responsibilities for a charter school
24 approved by the state board to any local educational agency in the
25 county in which the charter school is located or to the governing
26 board of the school district that first denied the petition.

27 (2) The designated local educational agency shall have all
28 monitoring and supervising authority of a chartering agency,
29 including, but not limited to, powers and duties set forth in Section
30 47607, except the power of revocation, which shall remain with
31 the state board.

32 (3) A charter school that is granted its charter through an appeal
33 to the state board and elects to seek renewal of its charter shall,
34 before expiration of the charter, submit its petition for renewal to
35 the governing board of the school district that initially denied the
36 charter. If the governing board of the school district denies the
37 charter school’s petition for renewal, the charter school may
38 petition the state board for renewal of its charter.

39 (l) Teachers in charter schools shall hold a Commission on
40 Teacher Credentialing certificate, permit, or other document

1 equivalent to that which a teacher in other public schools would
2 be required to hold. These documents shall be maintained on file
3 at the charter school and are subject to periodic inspection by the
4 chartering authority. It is the intent of the Legislature that charter
5 schools be given flexibility with regard to noncore, noncollege
6 preparatory courses.

7 (m) A charter school shall transmit a copy of its annual,
8 independent financial audit report for the preceding fiscal year, as
9 described in subparagraph (I) of paragraph (5) of subdivision (b),
10 to its chartering entity, the Controller, the county superintendent
11 of schools of the county in which the charter school is sited, unless
12 the county board of education of the county in which the charter
13 school is sited is the chartering entity, and the department by
14 December 15 of each year. This subdivision does not apply if the
15 audit of the charter school is encompassed in the audit of the
16 chartering entity pursuant to Section 41020.

17 SEC. 3. Section 47605.1 of the Education Code is amended to
18 read:

19 47605.1. (a) (1) Notwithstanding any other law, a charter
20 school that is granted a charter from the governing board of a
21 school district or county office of education after July 1, 2002, and
22 commences providing educational services to pupils on or after
23 July 1, 2002, shall locate in accordance with the geographic and
24 site limitations of this part.

25 (2) Notwithstanding any other law, a charter school that is
26 granted a charter by the state board after July 1, 2002, and
27 commences providing educational services to pupils on or after
28 July 1, 2002, based on the denial of a petition by the governing
29 board of a school district or county board of education, as described
30 in paragraphs (1) and (2) of subdivision (j) of Section 47605, may
31 locate only within the geographic boundaries of the chartering
32 entity that initially denied the petition for the charter.

33 (3) A charter school that receives approval of its charter from
34 a governing board of a school district, a county office of education,
35 or the state board before July 1, 2002, but does not commence
36 operations until after January 1, 2003, shall be subject to the
37 geographic limitations of this part, in accordance with subdivision
38 (e).

39 (b) Nothing in this section is intended to affect the admission
40 requirements contained in subdivision (d) of Section 47605.

(c) Notwithstanding any other law, a charter school may establish a resource center, meeting space, or other satellite facility located in a county adjacent to that in which the charter school is authorized if the following conditions are met:

(1) The facility is used exclusively for the educational support of pupils who are enrolled in nonclassroom-based independent study of the charter school.

(2) The charter school provides its primary educational services in, and a majority of the pupils it serves are residents of, the county in which the school is authorized.

(d) (1) Notwithstanding subdivision (a) or subdivision (a) of Section 47605, and except as provided in ~~paragraph (3)~~ *paragraphs (3) and (4)*, a charter school that is unable to locate within the jurisdiction of the chartering school district may establish one facility outside the boundaries of the school district, but within the county in which that school district is located, if either of the following circumstances exists:

(A) The school district within the jurisdiction of which the charter school proposes to operate provides written approval to the chartering school district before the charter petition is approved for that facility and before each charter petition renewal.

(B) The facility is needed for temporary use during the period of construction for a construction or expansion project, for up to 18 months, unless the school district in which the charter school proposes to operate approves of a longer period of time. The charter school shall provide written notice before the charter petition is approved to the school district within the jurisdiction of which the charter school proposes to temporarily operate, the county superintendent of schools, and the Superintendent.

(2) A charter school that locates outside the boundaries of the chartering school district pursuant to subparagraph (B) of paragraph (1) shall notify all parents of the pupils enrolled at the charter school at least 60 days before the beginning of the school year of all of the following information:

(A) The name of the chartering school district.

(B) The physical address of the temporary site at which the charter school will locate.

(C) The reason for the temporary site.

(D) The physical address of the site the charter school intends to locate within the chartering school district after the temporary site.

(E) The contact information, including, but not limited to, the name, ~~phone~~ telephone number, and email address, of a person employed by the governing body of the charter school who may be contacted for questions or additional information.

(3) (A) ~~A~~ *Notwithstanding paragraph (1), a charter school may ~~continue to~~ operate a facility outside the boundaries of the chartering school district if both of the following apply:*

(i) The charter school was authorized before April 1, 2013, to locate at that facility.

(ii) The charter school operated that facility with pupils enrolled and attending before September 15, 2014.

(B) ~~A~~ *Notwithstanding paragraph (1), a charter school that does not meet the requirements of subparagraph (A) may ~~continue to~~ operate the facility outside the boundaries of the chartering school district if the school district within the jurisdiction of which the charter school operates provides written approval to the chartering school district.*

(4) *Notwithstanding paragraph (1), a charter school may operate a facility outside the boundaries of the chartering school district if either of the following apply:*

(A) *The charter school is an American Indian charter school. For purposes of this subparagraph, “American Indian charter school” means a charter school in which pupils identified as American Indian or Alaska Native comprise more than 50 percent of the charter school’s enrollment.*

(B) *The charter school meets the eligibility criteria for the Alternative Schools Accountability Model adopted by the state board.*

~~(4)~~

(5) *Notwithstanding paragraph (1), a school district that is assigned a negative certification pursuant to paragraph (1) of subdivision (a) of Section 42131 shall not authorize new charter schools to locate outside the boundaries of the school district.*

(e) (1) For a charter school that was granted approval of its charter before July 1, 2002, and provided educational services to pupils before July 1, 2002, this section shall only apply to any new

1 educational services or schoolsites established or acquired by the
2 charter school on or after July 1, 2002.

3 (2) For a charter school that was granted approval of its charter
4 before July 1, 2002, but did not provide educational services to
5 pupils before July 1, 2002, this section shall only apply upon the
6 expiration of a charter that is in existence on January 1, 2003.

7 (3) Notwithstanding other implementation timelines in this
8 section, by June 30, 2005, or upon the expiration of a charter that
9 is in existence on January 1, 2003, whichever is later, all charter
10 schools shall be required to comply with this section for schoolsites
11 at which educational services are provided to pupils before or after
12 July 1, 2002, regardless of whether the charter school initially
13 received approval of its charter school petition before July 1, 2002.
14 To achieve compliance with this section, a charter school shall be
15 required to receive approval of a charter petition in accordance
16 with this section and Section 47605.

17 (4) Nothing in this section is intended to affect the authority of
18 a governmental entity to revoke a charter that is granted on or
19 before the effective date of this section.

20 (f) A charter school that submits its petition directly to a county
21 board of education, as authorized by Section 47605.5 or 47605.6,
22 may establish charter school operations only within the
23 geographical boundaries of the county in which that county board
24 of education has jurisdiction.

25 (g) Notwithstanding any other law, the jurisdictional limitations
26 set forth in this section do not apply to a charter school that
27 provides instruction exclusively in partnership with any of the
28 following:

29 (1) The federal Workforce Investment Act of 1998 (29 U.S.C.
30 Sec. 2801 et seq.).

31 (2) Federally affiliated YouthBuild programs.

32 (3) Federal job corps training or instruction provided pursuant
33 to a memorandum of understanding with the federal provider.

34 (4) The California Conservation Corps or local conservation
35 corps certified by the California Conservation Corps pursuant to
36 Section 14507.5 or 14406 of the Public Resources Code.

- 1 (5) Instruction provided to juvenile court school pupils pursuant
- 2 to subdivision (b) of Section 42238.18 or pursuant to Section 1981
- 3 for individuals who are placed in a residential facility.

O